

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VIOLET GOODWIN,

Plaintiff,

vs.

TIMOTHY DUNNING,

Defendant.

8:16CV458

ORDER

This matter is before the Court on Defendant's Motion to Strike Amended Complaint. ([Filing No. 28](#).) The motion will be granted.

Plaintiff filed an Amended Complaint on August 21, 2017 ([Filing No. 27](#)). Federal Rule of Civil Procedure 15 provides that a party may amend its pleading as a matter of course once within 21 days after serving it, or "if the pleading is one to which a responsive pleading is required, 21 days after service if a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." [Fed. R. Civ. P. 15](#). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." *Id.* Plaintiff is far past the deadline to amend her Complaint as a matter of course under Rule 15. Plaintiff's original Complaint was filed on October 7, 2016 ([Filing No. 1](#)), and Defendant submitted his Answer on February 2, 2017. Plaintiff did not seek leave to file the Amended Complaint, nor did she obtain Defendant's consent. Therefore, Plaintiff's Amended Complaint ([Filing No. 27](#)) will be stricken from the record.

Accordingly,

IT IS ORDERED that Defendant's Motion to Strike Amended Complaint ([Filing No. 28](#)) is granted. The Clerk of Court is directed to strike Plaintiff's Amended Complaint ([Filing No. 27](#)). The Clerk is further directed to mail a copy of this Order to Plaintiff at her address of record.

Dated this 29th day of August, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge